

SENATE FINANCE COMMITTEE SUBSTITUTE FOR
SENATE BILLS 213 & 702

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

AN ACT

RELATING TO TAXATION; PROVIDING A GROSS RECEIPTS TAX DEDUCTION
FOR RECEIPTS OF CERTAIN CLINICAL LABORATORIES AND HOME HEALTH
AGENCIES FROM THE PROVISION OF CERTAIN SERVICES TO MEDICARE
BENEFICIARIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 7-9-77.1 NMSA 1978 (being Laws 1998,
Chapter 96, Section 1, as amended) is amended to read:

"7-9-77.1. DEDUCTION--GROSS RECEIPTS TAX--CERTAIN MEDICAL
AND HEALTH CARE SERVICES. --

A. Receipts from payments by the United States
government or any agency thereof for provision of medical and
other health services by medical doctors and ~~[osteopaths]~~
osteopathic physicians or of medical, other health and
palliative services by a hospice to medicare beneficiaries

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1 pursuant to the provisions of Title [XVIII] 18 of the federal
2 Social Security Act may be deducted from gross receipts.

3 B. Receipts from payments by the United States
4 government or any agency thereof for medical services provided
5 by a clinical laboratory to medicare beneficiaries pursuant to
6 the provisions of Title 18 of the federal Social Security Act
7 may be deducted from gross receipts pursuant to the following
8 schedule:

9 (1) from July 1, 2003 through June 30, 2004
10 thirty-three and one-third percent of the receipts may be
11 deducted;

12 (2) from July 1, 2004 through June 30, 2005
13 sixty-six and two-thirds percent of the receipts may be
14 deducted; and

15 (3) after June 30, 2005 one hundred percent of
16 the receipts may be deducted.

17 C. Receipts from payments by the United States
18 government or any agency thereof for medical, other health and
19 palliative services provided by a home health agency to
20 medicare beneficiaries pursuant to the provisions of Title 18
21 of the federal Social Security Act may be deducted from gross
22 receipts pursuant to the following schedule:

23 (1) from July 1, 2003 through June 30, 2004
24 thirty-three and one-third percent of the receipts may be
25 deducted;

1 (2) from July 1, 2004 through June 30, 2005
2 sixty-six and two-thirds percent of the receipts may be
3 deducted; and

4 (3) after June 30, 2005 one hundred percent of
5 the receipts may be deducted.

6 ~~[B.]~~ D. For the purposes of this section:

7 (1) "clinical laboratory" means a laboratory
8 accredited pursuant to 42 USCA 263a;

9 (2) "home health agency" means a for-profit
10 entity that is licensed by the department of health and
11 certified by the federal centers for medicare and medicaid
12 services as a home health agency;

13 ~~[(1)]~~ (3) "hospice" means a for-profit entity
14 licensed and certified by the department of health as a
15 hospice; and

16 ~~[(2)]~~ (4) "medical doctors and [osteopaths]
17 osteopathic physicians" means persons licensed to practice
18 under Section 61-6-11, ~~[or]~~ 61-6-13, 61-10-11 or 61-10-12 NMSA
19 1978. "

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